

January 2, 2016

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OFFICE OF THE
EXECUTIVE SECRETARIAT

Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20406

To the Environmental Protection Agency:

This letter is in reference to the ongoing diesel emissions debacle that Volkswagen has brought upon itself. I am the original owner of a 2012 VW Passat TDI SEL. I am writing today to make it known that I believe Volkswagen has made software changes to the engine control module in my car that they have not fully disclosed to me and most likely have not disclosed to anyone outside of their company. I believe the changes have had a negative effect on my fuel mileage and perhaps a positive effect on the pollutants emitted by the car; However, I have no way to know until you force VW to fully disclose what is going on at their Kafkesque Circus.

In January 2015 I received a letter from VW (attached), it stated that they would like to perform an emissions service action on my car because in some extreme cold weather conditions the turbocharger might cause the Malfunction Indicator Light to come on. In addition the letter states that "The vehicle's engine management software has been improved to assure your vehicle's tailpipe emissions are optimized and operating efficiently. Under certain operating conditions, the earlier strategy may have increased the chance of the vehicle's MIL light illuminating." I was in no hurry to get the car to the dealership since I live in Ex. 3 Personal Privacy (PP) and extreme cold weather is not an issue. In early april the car was approaching 50,000 miles and requiring it's next scheduled service. Since I had to go to the dealership to purchase oil and supplies for that service, I thought it would be a good time to let them perform this emissions service action (Attached). A few days after returning from the dealership I performed the 50,000 mile service on the car myself. This service consists of an engine oil and filter change, a fuel filter change, and some other minor servicing but most importantly it requires the filling of the Diesel Exhaust Fluid tank or as VW calls it the Add Blue tank. The last time any fluid was put in the Add blue tank was when VW filled it at the cars final free scheduled maintenance service on 12/20/13 (attached) when the car had 30,218 miles on it (I know it was filled because I checked it with a dip stick). VW told me that the Add Blue tank in my car had about a 5.5 gallon capacity (owners manual states slightly less than 5 gallons) and should last slightly more than 10,000 miles before requiring refilling. Since VW recommends service on the car every 10,000 miles I thought this sounded reasonable, but since I had never owned a car that required DEF I was curious to see how long a tank full would last. When I performed the 40,000 mile service on the car, I did not fill the Add Blue tank because I wanted to see how long it would last and what sort of notifications the car would give me as the tank ran low. By the time the car was due for it's 50,000 mile service, and since there had been no indications from the car that the Add Blue tank was running low, I decided to fill the tank in order to see if the car was using any DEF at all. The tank required about 2.1 gallons of DEF to fill it. The car used about 2.1 gallons of DEF in almost exactly 20,000 miles. It is around this time that the emissions service action that I referred to earlier was performed. At the car's 60,000 mile service I put the remaining .4 gallons of DEF (DEF is typically sold

in 2.5 gallon containers) that I had in the Add blue tank along with .5 gallons of DEF from a Kruse bottle that a friend gave me. Today the car has 64,400 miles on it and the Add blue tank ran almost completely empty (100 miles range left). Since the emission service action that VW performed at 50,000 miles the car has used about 6.4 gallons of DEF in about 14,400 miles. To recap, before the emissions service action performed by VW on 4/9/15 the car was using about 1 gallon of DEF every 10,000 miles. After the emissions service action, the car is using about 1 gallon of DEF every 2,250 miles.

My fuel mileage has decreased since this emissions service action was performed. While I can not provide any documentation I believe that the car is getting between 2-4 MPG less than it was for the first 50,000 miles of its life. We bought the Passat primarily for the excellent fuel mileage and in order to keep our carbon foot print as small as possible. My wife is the primary driver of the car but we use it on long repeated drives to **Ex. 6 Personal Privacy (PP)** where my son attended **Ex. 6 Personal Privacy (PP)** I drive the car on these longer trips and pay very close attention the fuel mileage, we would usually get 44-49MPG depending on terrain and load. I suspected that my MPG decreased recently but I dismissed it as changes in temperature, terrain, or load. Only now after the publicity of the emissions scandal, the dramatic change in DEF consumption and a few recent long drives am I now suspecting that the emissions service action that was performed at 50,000 on my Passat has also had the effect of decreasing my MPG. The very best MPG I can get on my long trips anymore is 40-43MPG. I understand that my proof of these allegations is not substantial by any standards; however, I would like to make it know that I believe VW is not fully disclosing changes that they made to my car and most likely not disclosing what they already know about what it will take to make these cars compliant with EPA standards. Only an Idiot on the grandest of scales would believe that an organization that committed a fraud on the level of the fraud that Volkswagen has committed would suddenly be thoroughly transparent and completely interested in and “committed to making this right for you”. Please bring your full weight to bear against this admittedly fraudulent organization.

Thanks for your time and consideration.

Ex. 6 Personal Privacy (PP)

xc: U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-001

California Air Resources Board
P.O. Box 2815
Sacramento, Ca. 95812

Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, Az. 85007-2926

Arizona Corporation Commission
Corporation Division
1200 W. Washington Street
Phoenix, Az. 85007-2996

Better Business Bureau of Denver
1020 Cherokee Street
Denver, Colorado 80204

Call 12 for Action
Channel 12
200 E. Van Buren
Phoenix, Az. 85004

Rep. Matt Salmon
2349 Rayburn House Office Building
Washington, D.C. 20515-0305

Hyde & Swigart Attorneys at Law
David J. McGlothlin
2633 E. Indian School Rd. Suite 460
Phoenix, Az. 85016

Lemberg Law
Sergei Lemberg
1100 Summer Street
Stamford, Ct. 06905

The Pulaski Law Firm
4615 Southwest Freeway, Suite 850
Houston, Tx. 77027-7162

Michael Horn
CEO of Volkswagen Group of America
2200 Ferdinand Porsche Dr.
Herndon, Va. 20171



Das Auto.

Volkswagen of America, Inc.
3800 Hamlin Road
Auburn Hills, MI 48326

January 2015

Ex. 6 Personal Privacy (PP)

This notice applies to your vehicle: Ex. 6 Personal Privacy (PP)

Subject: Emissions Service Action 23N5 – ECM Software
2012-2014 Model Year Volkswagen Passat with 2.0L TDI® Clean Diesel Engine

Dear Volkswagen Owner,

As part of Volkswagen's ongoing commitment to our environment, and in cooperation with the United States Environmental Protection Agency, we are informing you of our decision to conduct an emissions service action on some 2012-2014 model year Volkswagen Passat 2.0L TDI® Clean Diesel engine vehicles. Our records show that you are the owner of a vehicle affected by this action.

What is the issue, and what will we do?

Some vehicles may experience exhaust turbocharger failure (under extreme cold weather conditions) in a brief time period after initial vehicle start up. This condition could cause a MIL ON and possible vehicle performance problems. To diminish this condition Volkswagen will momentarily decrease vehicle turbocharger boost pressure only during extreme cold start parameters to assure necessary turbocharger performance.

In addition, the vehicle's engine management software has been improved to assure your vehicle's tailpipe emissions are optimized and operating efficiently. Under certain operating conditions, the earlier strategy may have increased the chance of the vehicle's MIL light illuminating. If the MIL illuminates for any reason, your vehicle will not pass an IM emissions inspection in some regions.

This work will take about one hour to complete and will be performed for you free of charge. Please keep in mind that your dealer may need additional time for the preparation of the repair, as well as to accommodate their daily workshop schedule.

IMPORTANT!

Please note that if the ECM in your vehicle has been "chipped," "tuned," or otherwise modified from original factory specifications with aftermarket components and/or software, work needed to repair, replace, or return the ECM to original factory specifications is NOT covered under this action.



385 W. BASELINE RD. GILBERT, AZ. 85233

www.bergegroup.com
www.bergevolkswagen.com

(480) 833-0001

CUSTOMER NO.	ADVISOR	TAG NO.	INVOICE DATE	INVOICE NO.
	BOB HERBOLD	1488	04/09/15	VWCS287062
	LABOR RATE	LICENSE NO.	MILEAGE	COLOR
			49,457	BLACK
	YEAR / MAKE / MODEL	12 VOLKSWAGEN/PASSAT/4DR SDN 2.0 SEL		
VEHICLE I.D. NO.	Ex. 6 Personal Privacy (PP)			DELIVERY DATE
				DELIVERY MILES
				SELLING DEALER NO.
				PRODUCTION DATE
				R.O. DATE
				04/08/15

JOB# 1 CHARGES

LABOR

CUSTOMER STATES CHECK FOR OPEN EMISSIONS SERVICE ACTION 23N5
SOME VEHICLES MAY EXPERIENCE EXHAUST TURBOCHARGER FAILURE (UNDER EXTREME COLD WEATHER CONDITIONS) IN A BRIEF TIME PERIOD AFTER INITIAL VEHICLE START UP. THIS CONDITION COULD CAUSE THE MALFUNCTION INDICATOR LIGHT TO COME ON AND POSSIBLE VEHICLE PERFORMANCE PROBLEMS. TO DIMINISH THIS CONDITION VOLKSWAGEN WILL MOMENTARILY DECREASE VEHICLE TURBOCHARGER BOOST PRESSURE ONLY DURING EXTREME COLD START PARAMETERS TO ASSURE NECESSARY TURBOCHARGER PERFORMANCE. IN ADDITION, THE VEHICLE'S ENGINE MANAGEMENT SOFTWARE HAD BEEN IMPROVED TO ASSURE THE VEHICLE'S TAILPIPE EMISSIONS ARE OPTIMIZED AND OPERATING EFFICIENTLY. UNDER CERTAIN OPERATING CONDITIONS, THE EARLIER STRATEGY MAY HAVE INCREASED THE CHANCE OF THE VEHICLE'S MIL ILLUMINATING. IF THE MIL ILLUMINATES FOR ANY REASON, THE VEHICLE WILL NOT PASS EMISSIONS INSPECTION IN SOME REGIONS.
UPDATED ENGINE CONTROL MODULE SOFTWARE PER EMISSIONS SERVICE ACTION 23N5 PROCEDURES

JOB# 1 TOTALS

JOB# 1 JOURNAL PREFIX VWCS JOB# 1 TOTAL 0.00

JOB# 2 CHARGES

LABOR

CUSTOMER REQUESTS A MULTI POINT INSPECTION
ROUTINE INSPECTION
SEE ATTACHED MULTI POINT INSPECTION

JOB# 2 TOTALS

JOB# 2 JOURNAL PREFIX VWCS JOB# 2 TOTAL 0.00

JOB# 3 CHARGES

LABOR

CUSTOMER REQUESTS A COMPLIMENTARY EXTERIOR VEHICLE RINSE
VEHICLE CARE
PROVIDED CUSTOMER WITH A COMPLIMENTARY VEHICLE RINSE

MISC-----CODE-----DESCRIPTION-----CONTROL NO-----

VWASH VOLKSWAGEN WASH
PWASH VW COMPLIMENTARY RINSE

TOTAL - MISC

WARRANTY
WARRANTY
0.00

JOB# 3 TOTALS

JOB# 3 JOURNAL PREFIX VWDS JOB# 3 TOTAL 0.00

MO: 49457

ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR ONE (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON DATE

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY HEREOF.

X

804-02717 a.d.s. 602.971 2538

CUSTOMER #: Ex. 6 Personal Privacy (PP)
UNIT# 12070

226493



SanTan
VOLKSWAGEN

INVOICE

1489 E. Motorplex Loop
Gilbert, AZ 85297
Main (480) 786-8900
Service Direct (480) 786-8950

Ex. 6 Personal Privacy (PP)

PAGE 1

SERVICE ADVISOR: 192 THOMAS SCHNEIDER

COLOR	YEAR	MAKE/MODEL		VIN	LICENSE	MILEAGE IN / OUT		TAG
BLK/BEIG	12	VOLKSWAGEN PASSAT		Ex. 6 Personal Privacy (PP)		30218/30218		T1080
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED		PO NO.	RATE	PAYMENT	INV. DATE
22APR12 DD			WAIT 20DEC13				CASH	20DEC13

R.O. OPENED: READY: OPTIONS: SOLD-STK:12070 DLR:NONE
ENG:2.0_Liter_Turbo_Diesel

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A CUSTOMER STATES PERFORM 30,000 MILE SERVICE OIL CHANGE, ROTATE TIRES, BATTERY PRINT OUT

CAUSE: .
30K CUSTOMER STATES PERFORM 30,000 MILE SERVICE
OIL CHANGE, ROTATE TIRES, BATTERY PRINT OUT
163 MCDUGAL, JEREMY LIC#: 163
WVM (N/C)
1 03L-115-562 FILTERELEM (N/C)
1 N-908-132-02 SCREW (N/C)
43 G-052-195-1L ENG.OIL (N/C)
1 B-000-750-M2 BRAKEFLUID (N/C)
1 GUS-052-910-A3 UREA (N/C)

FC:

PART#:

COUNT:

CLAIM TYPE:

AUTH CODE:

*

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00
,,, 30218 30k service 03300066,01400050,26883550 1.40 changed oil and
,,, filter topped off fluids rotated tires front to back set tire psi
,,, performed brake fluid service refilled add blue tank performed systems
,,, checks and inspections

B CUSTOMER STATES PERFORM MULTI POINT INSPECTION

MPI CUSTOMER STATES PERFORM MULTI POINT
INSPECTION

163 MCDUGAL, JEREMY LIC#: 163

I

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00

Disclaimer of Warranties: Any warranties on the products sold hereby are those of the manufacturer. SAN TAN VOLKSWAGEN HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE and San Tan Volkswagen, neither assumes nor authorizes any other person to assume for it any liability in connection with this sale. For a detail of your warranty see your service advisor/consultant or

SUPPLIES: A token charge not to exceed 10% of the labor charge is included for supplies used on your vehicle. Applicable supply items are: aerosols, solvents, rags, wipes, protective gloves, nuts, bolts, washers, tape, pins, towels, solder, wire, sealers, battery cleaners, lubricant spray and etc.

A HAZARDOUS WASTE DISPOSAL charge will be made for hazardous material removed from your vehicle. Hazardous waste include: Oils, gasoline, antifreeze, freon, tires, batteries, etc.

I authorize the retrieval of on-board data as needed to facilitate vehicle repair, as well as sharing of that data with the manufacturer for diagnostic and research purposes.

CUSTOMER SIGNATURE

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

CUSTOMER COPY

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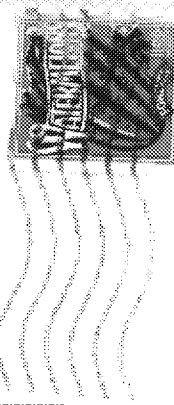


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Oct 2016 2016 10/15/16



Oct 18, 2016

Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20406



FCL20241350

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